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## PART-IIA

### GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

#### NOTIFICATIONS

The 1st September, 2010.

**No.TPT.155/2009/Pt/13.**—In compliance of the Supreme Court Judgement delivered in W. P. (C) No.136/2003 in the case of Paramjit Bhasin & Ors. - Vs- Union of India & Ors., the Governor of Meghalaya is pleased to direct that no vehicle in the State shall be allowed to carry goods exceeding the prescribed permissible weight under Rule 95 (2) of the Central Motor Vehicles Rules. In case any vehicle is found to have carried more than the permissible weight, such excess load shall have to be off-loaded after compounding the offence from the overloaded vehicle and shall not be permitted to carry such excess load in the vehicle concerned. All Notifications issued earlier in connection with carrying of load in trucks/vehicles shall be deemed to have been modified/superseded with immediate effect.

**H. MARWEIN,**

Principal Secretary to the Govt. of Meghalaya,  
Transport Department.

**Shillong, the 5<sup>th</sup> August, 2010**

**No.UAU.129/2010/1 :** - In exercise of the powers conferred by section 301 of the Meghalaya municipal Act (Assam Act XV of 1957 as adapted by Meghalaya) the Governor of Meghalaya is pleased to make the following rules further to amend the Rules for the Election of Commissioners of Municipal Board, namely: -

1. **Short title and commencement** – (1) These rules may be called the Rule for the Election of Commissioners of Municipal Board (Amendment), 2010.

(2) They shall come into force at once.

2. **Amendment of Rule 3** – In Rule 3 of the Rule for the Election of Commissioners of Municipal Board Rule (herein after referred to as the principal Rules), the words “and in such language or languages” appearing therein, shall be substituted by the word “English”
3. **Amendment of Rule 6** – In Rule 6 of the principal Rules, the words “the names of voters in each ward shall be arranged in alphabetical order” appearing therein, shall be substituted by the words “ The names of voters in each ward shall be prepared Holding wise in ascending order”
4. **Amendment of rule 7(iii)** – In Rule 7(iii) of the principal Rules, the words “sixty days” appearing therein, after the words, ‘as may be and not less than’, shall be substituted by the words “forty days”.

The Form-I under Rule 7(iii), appended stands modified as below:

Serial No.	Number in assessment list	Name of voter	Name of Father /mother / husband	Age	Remarks
1	2	3	4	5	6

Magistrate.

5. **Amendment of Rule 17:** - In Rule 17 of the principal Rules, the words “thirty days” appearing therein, after the words ‘shall be published by the Magistrate not less than’ shall be substituted by the words “twenty days”
6. **Amendment of Rule 20** – In Rule 20 of the principal Rules, the words “Chief Executive Officer in case the post of Chairman is vacant” after the word “chairman’ shall be added.
7. **Amendment of Rule 24** – In the Rule 24 of the principal Rules, the words “Rs. One hundred or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of fifty rupees” appearing therein, shall be substituted by the words “ Rs. One thousand or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five hundred rupees”

8. **Amendment of Rule 39 (3)** – In Rule 39(9) of the principal Rules, the words “given by beat of drum in all the wards” appearing therein, shall be substituted by the words “published in two daily local news papers, one in English and another in local language”
9. **Amendment of Rule 43** – In Rule 43 of the principal Rules, the following shall be substituted, namely **“Design of Voting Machine”**: - Every voting machine shall have a control unit and balloting unit as designed and approved by the Election Commission of India.
10. **Amendment of Rule 44** – In Rule 44 of the principal Rules, the following shall be substituted, namely - **Design of dummy ballot papers**: - (a) Dummy Ballot Papers of balloting units of voting machine- On every balloting unit, a dummy ballot paper shall be displayed in the space meant thereof. The total length of the dummy ballot paper will be 460mm and its width shall be 140mm in the case of machine manufactured by Electronics Corporation of India, Limited (ECIL). For machine manufacture by Bharat Electronics Limited (BEL), the length of the ballot paper will be 461.5 mm and the width will be 140mm as prescribed by the Election Commission of India. Dummy Ballot papers shall be prepared in Form XII.  
(b) Postal ballot papers – (1) Postal ballot papers shall be printed in Form XII.  
(2) The postal ballot paper shall contain the names of the candidates in the order in which they appear in the list of candidates in Form VIII.  
(3) The postal ballot papers shall be serially numbered the serial number being printed on the back of the ballot paper.  
(4) The postal ballot paper will be issued to voters on election duty, service voters, tender votes, Special voters and electors subjected to preventive-detention.
11. **Amendment of Rule 46** – In Rule 46 of the principal Rules, the words “Ballot boxes” appearing therein, shall be substituted by the words “EVMs”. The words “or ballot paper; and” appearing therein, shall be substituted by the words “for tender vote”. Sub Rule (d) and (e) stands deleted.
12. **Amendment of Rule 48** – Rule 48 of the principal Rules, stands substituted by the following, namely - **Preparations on the voting machine by the Presiding Officer before commencement of poll**: - (1) Before a voting machine is put in actual use at the polling station some further preparations, in addition to the preparations made at the Magistrate’s level are necessary. These preparations have to be done by the Presiding Officer at the polling station in the presence of the candidates/their agents. The Presiding Officer should start the preparations about an hour before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to await the arrival of the polling agent nor will he start the preparations again if any polling agent turns up late.  
(2) The balloting unit is already duly prepared in all respect at the Magistrate’s level and no further preparation of this unit is required at the polling station on the day of poll, except that its interconnecting cable has to be plugged carefully into the control unit.  
(3) Where, however, more balloting units than one are to be used at a polling station, these balloting units have to be interconnected in the correct sequential order. In such a case, only the first balloting unit will be connected with the control unit.  
(4) The Presiding Officer should also check that-  
(i) the ballot papers is properly fixed in the ballot display panel under the ballot paper screen; and  
(ii) the two seals put by the Magistrate at the top and bottom portion on the right hand side of the balloting unit are intact.  
(5) The Presiding Officer should first check that the seal put by the Magistrate on the ‘Candidate Set Section’ on the left side of the control unit is intact.  
(6) Connecting the control unit with the balloting unit or the first balloting unit where more balloting units than one are used and interconnecting those other balloting units.  
(7) Switching the ‘Power’ switch to ‘ON’ position  
(8) Closing the rear compartment after performing the functions at (6) and (7) above.  
(9) Conducting the mock poll following the instruction of the Election Commission of India carefully.  
(10) Switching the ‘Power’ switch to ‘OFF’ position  
(11) Fixing the green paper seal(s) to secure the inner compartment of the Result Section; and  
(12) Closing and sealing the inner compartment of the ‘Result Section’ with the special tag  
(13) Closing and sealing the outer cover of the ‘Result Section’ and  
(14) Sealing the control unit with Outer seal.

- 13. Amendment of Rule 57** – In Rule 57 of the principal Rules, the words “ballot boxes” appearing therein shall be replaced by the words “EVMs” and “ballot box” by “EVM”
- 14. Amendment of Rule 59:** - In Rule 59 of the principal Rules, the words “ballot paper” appearing therein in sub section (1) shall be substituted by the words “voter’s slip”. Sub section (2) shall be deleted. In sub section (3), the words “ballot paper” appearing therein shall be substituted by the words “voter’s slip” and the words “the serial number thereof against the entry relating to the elector” shall be substituted by the words “put a tick mark against the serial number of the said elector”
- 15. Amendment of Rule 60:** - In Rule 60 of the principal Rules, the word “ballot paper” appearing therein after the words “The elector on receiving the” shall be replaced by the words “voter’s slip” and the words “make mark on the ballot paper opposite the name of the candidate.....in the presence of the Presiding Officer” appearing therein after the words “compartment and there” shall be substituted by the words “pressing the button provided against the name and symbol of the candidate”
- 16. Amendment of Rule 61:** - In Rule 61 of the principal Rule, the words “ballot paper” appearing therein after the words “shall record the vote in the” shall be replaced by the words “EVM” and the words “and fold it up so as to conceal the vote” stands deleted. Sub rule (2) stands deleted.
- 17. Amendment of Rule 62:** - In Rule 62 of the principal Rule, the words “in the EVM” shall be inserted after the words “the recording of votes”.
- 18. Amendment of Rule 63:** - In Rule 63 of the principal Rule the following shall be substituted, namely : -  
“If an elector, after his electoral roll number has been duly entered in the Register of voters and he has put his signature / thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to record his vote. A remark to the effect that he has decided not to record his vote shall be made in the remarks column against the entry relating to him in the Register of voters by the Presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.
- 19. Amendment of Rule 65:** - Rule 65 stands deleted.
- 20. Amendment of Rule 70:** - In Rule 70 of the principal Rules, the following shall be substituted, namely : -  
(1) As soon as practicable after the close of the poll, the Presiding Officer shall press the ‘Close’ button on the control unit. When the close button is pressed, display panels on the control unit will show the total number of votes recorded in the voting machine till the end of the poll. (2) The Presiding Officer shall thereafter prepare  
(a) an Account of Votes recorded in the voting machine  
(b) Register of voters  
(c) The marked copy of the electoral roll  
(d) The list of tendered votes  
(e) The list of challenged votes  
(f) Any other paper directed by the Magistrate to be kept in a sealed packet.  
(3) Each such packet shall be sealed with the seals of the Presiding Officer as also of such candidates or their agents as may desire to affix their seal thereon.
- 21. Amendment of Rule 71:** - In Rule 71 of the principal Rules, the words “a ballot paper account in Form XVI” appearing therein shall be substituted by the words “an Account of votes”
- 22. Amendment of Rule 72:** - In Rule 72 of the principal Rules, the words “ballot boxes” appearing therein after the words “Transmission of” shall be substituted by the words “EVMs” and the words “ballot boxes” appearing therein after the words “may be after the” shall be substituted by the words “EVMs”
- 23. Amendment of Rule 73:** - In Rule 73 of the principal Rules, the words “ballot boxes” appearing therein after the words “Transport of” shall be substituted by the words “EVMs” and the words “ballot boxes” after the words “safe transport of all” shall be substituted by the words “EVMs”

24. **Amendment of Rule 78 :-** In Rule 78 of the principal Rules, the words “ballot papers contained in any particular ballot box” appearing therein, in sub rule (2) shall be substituted by the words “votes recorded in the machine”. The words “ballot boxes” or “ballot box” appeared in sub rule (3) shall be substituted by the words “Control units” or “control unit” as the case may be.
25. **Amendment of Rule 79 :-** Rule 79 of the principal Rules stands deleted.
26. **Amendment of Rule 80 :-** In Rule 80 of the principal Rules, the words “Postal” shall be inserted before the words “ballot papers” appearing therein.
27. **Amendment of Rule 85 :-** In Rule 85 of the principal Rules, the words “ballot papers” appearing therein, in sub rule (5)(a) shall be substituted by the words “votes”

**P. NAIK,**

Principal Secretary to the Govt. of Meghalaya,  
Urban Affairs Department.

The 6th September, 2010.

**No.UAU.8/2005/131.**—The word “population” as appearing in section 2 (2) of the Meghalaya Municipal (Amendment Ordinance), 2010 may be interpreted as “Voters Population” of the Municipality and the word ‘women population’ in section 2(3) of the said ordinance may be interpreted as ‘women voters population’.

**P. NAIK,**

Principal Secretary to the Govt. of Meghalaya,  
Urban Affairs Department.

The 24th August, 2010.

**Subject: ASSURED CAREER PROGRESSION SCHEME (ACPS) FOR THE STATE GOVERNMENT EMPLOYEES- clarifications regarding.**

**No.F(PR)-76/2009/65.**-The undersigned is directed to invite reference to this Office Memorandum No.F(PR)-76/2009/54 dated 22nd February, 2010, regarding the Assured Career Progression Scheme (ACPS). Consequent upon introduction of the Scheme, clarifications have been sought by various Departments/Offices about certain issues in connection with implementation of the ACPS. The doubts raised by various quarters have been duly examined and point-wise clarifications are accordingly given in the Annexure.

**B. K. DEV VARMA,**  
Principal Secretary to the Government of Meghalaya,  
Finance Department.

#### ANNEXURE

Point of doubt	Clarification
1. Whether financial upgradation to be given to an employee on completion of 12 years in a post, in a scale of pay or in a direct entry post only?	Financial upgradation(s) under the Assured Career Progression Scheme is admissible to an employee on completion of 12/24 years service to be counted from the date of entry into regular service.
2. In the case of an employee appointed on adhoc basis and who is subsequently regularized whether the adhoc service can be counted for grant of financial upgradation under the Assured Career Progression Scheme also?	Adhoc service, though allowed to count for increments, pension, leave, etc., will not be counted for the purpose of financial upgradation under Assured Career Progression Scheme.
3. An employee gets first promotion after 20 years of regular service. Whether financial upgradation to be allowed on completion of 24 years of service from direct recruitment i.e., 4 years after the promotion or after 12 years from the date of promotion?	The main aim of the ACP Scheme is to tackle the problem of stagnation and to ensure that an employee should get at least two financial upgradations in his entire service career. Upgradations under the scheme are to be allowed on completion of 12/24 years of service counted from direct entry in the Government employment. If an employee gets first regular promotion on completion of 20 years of service, he will be entitled to second financial upgradation under Assured Career Progression Scheme on completion of 4 years of service after such first regular promotion, though the Recruitment/Service Rules may prescribe higher length of regular service in that grade/post for next promotion.
4. An employee who may have completed 26 years of service shall be entitled for two financial upgradations along with other employees who may have completed 24 years of service on the date the scheme was implemented. Can upgradation be allowed notionally from the date of completion of 12/24 years of regular service and actual financial benefit be given from the date of meeting of the Screening Committee.	Since the Assured Career Progression Scheme can have only prospective application, it is not permissible to allow notional benefit with retrospective effect. This would not lead to anomaly in as much as an employee having longer years of service would get his pay fixed at a higher/same stage vis-a-vis an employee having lesser length of service.



<p><b>5. An employee who has completed 24 years of service is to be allowed the second financial upgradation directly. What will be the mode of fixation of pay of the employee?</b></p>	<p>An employee who has completed 24 years of regular service without promotion say in the scale of pay S2: Rs.7100 - 13840 shall be allowed two upgradations <i>i.e.</i>, to S3: Rs.7700 - 15020 and S4: Rs.8300 - 16270. His pay shall first be fixed notionally in S3: Rs.7700 - 15020 and then in S4: Rs.8300 - 16270 under Fundamental Rule 23(i) of the Meghalaya Fundamental Rules &amp; Subsidiary Rules, 1984. Pay fixation directly from S2 to S4 shall not be allowed.</p>
<p><b>6. Can an employee be given second upgradation under Assured Career Progression Scheme as soon as he completes 12 years of regular service from the date of his earlier promotion or as soon as he completes 24 years of regular service, whichever is earlier?</b></p>	<p>The periodicity of 12/24 years of regular service for grant of upgradations under ACPS cannot be relaxed. Grant of the first regular promotion prior to completion of 12 years of regular service from the direct entry grade shall have no bearing on the periodicity of the second upgradation under ACPS, which shall be granted only after completion of 24 years of regular service and only if the second regular promotion has not been earned in between.</p> <p>Suppose an LDA is promoted as UDA after 10 years of regular service, he will get the second financial upgradation only after 14 years from the date of promotion <i>i.e.</i>, on completion of 24 years of regular service.</p> <p>Further, if an LDA is promoted as UDA after 16 years of regular service, he shall be eligible for the second financial upgradation on completion of 8 years as UDA, <i>i.e.</i>, after completion of 24 years of regular service.</p>
<p><b>7. Can all retirement and other terminal benefits be granted on the basis of actual pay drawn under the Assured Career Progression Scheme?</b></p>	<p>Yes, all retirement and other terminal benefits shall be on the basis of actual pay drawn under the Assured Career Progression Scheme.</p>
<p><b>8. An employee has superannuated after 22nd February, 2010 <i>i.e.</i>, the date from which Assured Career Progression Scheme was introduced. He had completed the required eligibility service as on 22nd February, 2010 for grant of financial upgradation but he retired on superannuation before the Screening Committee could meet to assess his suitability for grant of benefits under Assured Career Progression Scheme. Will he be entitled for financial upgradation under Assured Career Progression Scheme?</b></p>	<p>The financial benefit under the ACP Scheme shall be granted from the date of the eligibility service prescribed under the Scheme or from the date of issue of the Office Memorandum No.F(PR)-76/2009/54, dated 22nd February, 2010 whichever is later. Therefore, employees who had completed eligibility service as on 22nd February, 2010 but retired prior to the meeting of the first Screening Committee may be allowed the benefit from their due dates provided their cases were considered and recommended by the Screening Committee and approved by the Head of the Department.</p> <p>This will be applicable only to employees who had retired after 22nd February, 2010.</p>
<p><b>9. A person has refused a promotion offered to him prior to his becoming eligible for financial upgradation under ACPS. He has since completed 12/24 years of regular service. Will he be entitled to financial upgradation/ upgradation(s)?</b></p>	<p>The Assured Career Progression Scheme has been introduced to provide relief in cases of acute stagnation where the employees, despite being eligible for promotion in all respects, are deprived of regular promotion for long periods due to non-availability of vacancies in the higher grade. Cases of holders of isolated posts have also been covered under ACPS, as they do not have any promotional avenues. However, where a promotion has been offered before the employee could be considered for grant of benefit under</p>

		Assured Career Progression Scheme but he refuses to accept such promotion, then he cannot be said to be stagnating as he has opted to remain in the existing grade on his own volition. As such, there is no case for grant of ACPS in such cases. The official can be considered for regular promotion again after the necessary debarment period.
<b>10. (a) Whether any period(s) of break in service will have adverse effect on an employee getting financial upgradation under the Assured Career Progression Scheme?</b>		(a) Break in service/dies-non period shall be treated as non-qualifying service for the purpose of computing 12/24 years service under ACPS.
<b>(b) Whether EOL without medical certificate will count for computing regular service under Assured Career Progression Scheme?</b>		(b) EOL, without Medical Certificate, but sanctioned by the competent authority, will count for computing regular service under ACPS.
<b>11. Whether an employee who has not been recommended for grant of financial upgradation under Assured Career Progression Scheme by a Screening Committee can be considered by the next Screening Committee to be held in the other half of the year or one held only on expiry of one year ?</b>		The Screening Committee is scheduled to meet twice in a financial year. Normally, a case, once considered, should be reviewed only in the Screening Committee to be held after one year. However, if an additional ACR report has become available in respect of such an employee before cases are processed for placing the other cases before the Screening Committee to be held in the second half, or if there is any other development which makes a material change in the matter of assessment from the position obtaining when the case was considered earlier by the Screening Committee, the case of such employee may be considered in the subsequent Screening Committee to be held in the other half of the year.
<b>12. Can financial upgradation be allowed to an employee who has rendered 12 years service in different posts carrying the same scale of pay?</b>		Yes, financial upgradation should be given to an employee who has rendered 12/24 years service in different posts carrying the same scale of pay.
<b>13. An employee has been granted the benefit of the Extended Scale. Is he eligible for financial upgradation under the ACP Scheme?</b>		An employee who has been granted the benefit of Extended Scale on completion of 15 years of service in terms of O.M.No.F(PR)-31/89/1, dated 5th April, 1989 would be eligible only to l(one) financial upgradation under ACPS on rendering 24 years of service to be counted from the date of entry into regular service.
<b>14. A group 'D' employee having been granted one or two financial upgradations under the scheme is presumed to be reclassified as Group 'C' employee. Whether such employee will retire at the age of 58 years.</b>		Para 11 of the Annexure to this Department's O.M.NO.F(PR)-76/2009/54, dated 22nd February, 2010 provides that grant of financial upgradation under the scheme shall have no change in the designation/classification or higher status. In view thereof, a group 'D' employee having been granted one or two financial upgradations under ACPS shall continue to be Group 'D' employee and hence shall retire on attaining the age of 60 years.